

**Minutes of the Criminal Justice Collaborating Council  
Alcohol Treatment Court Subcommittee**

**Wednesday, February 11, 2009**

Chair Foster called the meeting to order at 12:15 p.m.

**Present:** Chair Kathy Foster, Mike DeMares, Lee Dreyfus, Kathy Madden, Karl Held, Diane Kelsner, Katy Adelmeyer, and Kristy Gusse. Dan Fay arrived at 12:20 p.m. and Jean LaTour arrived at 12:30 p.m. **Absent:** Sam Benedict, Brad Schimel, Ray Cunneen, Lindsay Desormier, Eric Raskopf, and Meg Schnabl.

**Also Present:** Rebecca Luczaj, Peter Schuler, Sara Carpenter, and Melissa Emberts. Recorded by Mary Pedersen, County Board Office.

**Approval of Minutes from 1/7/09 Meeting**

MOTION: Held moved, second by Kelsner to approve the minutes of January 7. Motion carried 8-0 as amended.

Dan Fay arrived at 12:20 p.m.

**Announcements**

Foster said from 9:00 a.m. to 3:00 p.m. next Wednesday in Room 255 of the Administration Building, the Governor's subcommittee of which she serves will be discussing recommendations to the Governor's Traffic Safety Council, specifically relating to drunk driving issues. Subcommittee membership includes law enforcement personnel, DOT personnel, legislators, the President of the Tavern League, a representative from Miller Brewing, defense and municipal attorneys, and others. Foster believes their work will be complete by this summer. The most contentious discussions currently circle around the criminalization of first offense drunk driving. Foster said they are a fairly divided group and she did not know what the recommendations will be. They have been told not to consider finances although it is difficult not to. Rep. Tony Staskunas is proposing to greatly expand the use of ignition interlock and alternative vendors/products were discussed. Gusse is putting together another graduate panel over the lunch hour and it will be a working lunch. Foster encouraged members to participate if they haven't done so already. There will also be a brief SCRAM presentation. She noted this meeting is open to the public.

Foster advised that next year's State Association dates are February 2 and 3, 2010 in Eau Claire. They currently have three specialty courts including mental health, drugs, and alcohol.

**ATC Program Update**

Gusse said at the end January, 126 participants entered the program, 3 participants graduated at the beginning of February, and there are currently a total of 54 participants. Four participants are in Phase I, 15 in Phase II, 15 in Phase III, and 20 in Phase IV so there should be a handful graduating soon. Seven applications were reviewed in January although nobody else was added to the program due to them being at maximum capacity. Gusse indicated that a total of 8,300 jail days have been saved since the beginning of the program.

LaTour arrived at 12:30 p.m.

### **Reflections on WATCP Staffing/Court Observation**

Dreyfus felt it was a fairly normal session except for the visitors. Foster said based on conversations with some attendees and the fact there will be more visitors in the future, she suggested having a standard one-page fact sheet to include target population, staffing, phase definitions, etc. Carpenter said a brochure was available at the conference and includes this type of information. Foster said some of that information could be incorporated with a fact sheet as the brochure does not include staffing information which she felt was important. Foster also suggested a Q&A at the end of the session. Carpenter said she heard from others positive feedback from attendees who felt it went very well and that it was beneficial. Schuler heard from attendees who appreciated hearing about the more complex cases. He felt the sound could be better in the courtroom and suggested smaller groups who could sit in the jury box. This location would allow for better visuals as well. LaTour thought it would be better to simply observe staffing and that there not be commentary about the participants in the middle, especially since each attendee received fact sheets for each participant. She said it was important to be true to the process.

### **Update on ATC Fee Workgroup – Overview of proposed model, Timeline/process for approval**

Luczaj distributed a draft model and information on this new workgroup whose first meeting was February 3. Their goal is to develop a fee scale for charging Alcohol Treatment Court participants once federal funding ceases, scheduled at the end of May, 2009. Once the model is finalized, it will be presented to this subcommittee for a vote and then it will go to the CJCC Executive Committee. Luczaj said she anticipates the model will be finalized at their next meeting on February 25.

Luczaj said they discussed a uniform fee system, also known as a sliding fee scale which was developed by the State and used often in Health & Human Services. They feel it is a fair model because it takes into consideration the participant's family size, income, and ability to pay. It also takes into account court ordered obligations which is then deducted from their average income per month. Staff will have the ability to re-assess the fee arrangement at any time. They are proposing a maximum fee of \$50 per month. HHS will determine the monthly fees during an initial interview which will be incorporated into the program rules. HHS will enter data into AVATAR and WCS will monitor, track, and collect the fees as they do already with other fees.

Carpenter felt it was important to keep in mind the magnitude of participants' financial obligations in the criminal justice system. The fees need to be as reasonable as possible. Dreyfus agreed with Carpenter and asked what the mechanism would be for non-payment? Would it result in a payment plan or incarceration? These issues need to be addressed. Fay felt a \$50 across-the-board fee was reasonable and while there are exceptions, most will be able to pay it. It is a get out-of-jail card otherwise they could go to Huber which costs \$150 per week. Fay said most of these individuals are able to afford an attorney and, rhetorically speaking, how long does \$50 last in a bar? LaTour agreed that while most would be able to afford the \$50/month fee, there are indigent individuals who cannot and there needs to be equal access to the program. She was concerned that a \$50 across-the-board fee could result in a treatment court for the privileged only. Daniels noted there will be a \$48,000 hole to cover once the grant funds are gone. Dreyfus suggested a \$600 flat fee and they could make payments which would equal about \$35 to \$50 per month. Fay agreed

although LaTour felt a large figure such as \$600 could deter voluntary program participation, sort of a semantics issue. LaTour suggested a minimum fee for indigents, perhaps \$25 or \$30 per month. Madden suggested the sliding fee scale be applied to those who request the assessment while those who do not want the assessment would be required to pay the \$50 per month.

Luczaj said she would bring these suggestions back to the ATC Fee Workgroup for further discussion and consideration and it will be agendaized for the next ATC Subcommittee meeting.

**Agenda Item(s) for Next Meeting**

- Discuss and Consider ATC Fee Workgroup Recommendations

**Future Agenda Items**

- Educational Presentation on Vivitrol

**Set Next Meeting Date**

March 11 at 12:15 p.m.

MOTION: Fay moved, second by Madden to adjourn at 1:21 p.m. Motion carried 10-0.